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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,082	06/15/2001	Alan P. Cavallerano	PHA 23,534A	1510

24737　　　　7590　　　　06/27/2005	EXAMINER
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510	SAJOUS, WESNER

ART UNIT	PAPER NUMBER
2676	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 May 2004</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-18,21-24,26 and 27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>7 and 23</u> is/are allowed.

6)☒ Claim(s) <u>1-6,8-11,13-16,21,22,24,26 and 27</u> is/are rejected.

7)☒ Claim(s) <u>12,17 and 18</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6)☐ Other: _____ .

DETAILED ACTION

<u>REMARKS</u>

This communication is responsive to the response dated March 14, 2005.

Claims 1-18, 21-24, and 26-27 are presented for examination.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-5, 8, 10-11, 13-16, 21-22, 24

and 26-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 3-5, 8, 10-11, 13-16, 21-22, 24 and 26-27 are rejected under 35 U.S.C.

103(a) as being unpatentable over Lopresti et al. (US Pat. 5889506) in view of Merrill et

al. (US 20020008703).

Considering claim 1, Lopresti discloses a device (20, fig. 1) for receiving a video

and/or audio signal (*see col. 3, lines 62-64*) comprising a plurality of different programs

(see col. 9, lines 30-50) comprises an input (e.g., a video input port) that receives the

video and/or audio signal (see col. 4, lines 5-21); and a user interface (*24/26, fig.1*) that

receives a user input (*e.g., hand-drawn instructions*) identifying an event (*e.g., a user's criteria or favorite program, see col. 3, lines 1-5*) to be detected (note that in searching programs and locate the user's criteria, [*see col. 3, lines 1-5], a particular event is detected*).

It is noted that although Lopresti teaches an *interpretor incorporated in item 20, for searching all available programs to locate those meeting the user's criteria; i.e., search the programs to locate the users inputted criteria of interest or instructions*; and displaying the searched programs, *as implied in col. 2, lines 1-7, 20-32 and col. 9, lines 10-50.* Lopresti fails to specifically teach analyzing video or audio signal to detect an identified event in the signal and providing to a display the detected event.

Merrill teaches the functional equivalence for analyzing (*via the speech recognition/synthesis engine 118*) audio signal to detect an identified event (*e.g., a word or text*) in the signal and providing to a display the detected event (*see paragraphs 52, 164, 167, 227, 229 and 234*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to consider modifying the audio/video system of Lopresti to include the analysis of events in the same conventional manner as taught by Merrill, in order to synchronized services, for example animations controlled via a script, to client programs. See Merrill's paragraph's 7.

The invention of claim 3 contains features that are analogous to the limitations recited in claim 1. As such, the limitations of the limitations of claim 3 are rejected

under the same rationale as claim 1. See Merrill's paragraphs 52, 164, 167, 227, 229 and 234 for the speech recognition and the detected audio event.

Re claim 4, Lopresti discloses a text recognition device (72b) that scans the video information for text, and the user interface (24/26, fig. 1) includes a device, which enables the user to enter as the event to be detected specific text. See col. 3, lines 7-16, and col. 4, lines 56-64.

Considering claim 5, Lopresti discloses a device (20, fig. 1) for receiving a video and/or audio signal (see col. 3, lines 62-64) comprising a plurality of different programs (see col. 9, lines 30-50) comprises an input (e.g., a video input port) that receives the video and/or audio signal (see col. 4, lines 5-21); and a user interface (24/26, fig.1) that receives a user input (e.g., hand-drawn instructions) identifying a shape (e.g., a symbol) to be detected (see col. 3, lines 1-5), shape inputs (e.g., symbols or pictures which can have shapes).

It is noted that although Lopresti teaches an interpretor incorporated in item 20, for searching all available programs to locate those meeting the user's criteria; i.e., search the programs to locate the users inputted criteria of interest or instructions; and displaying the searched programs, as implied in col. 2, lines 1-7, 20-32 and col. 9, lines 10-50. Lopresti fails to specifically teach analyzing video or audio signal to detect an identified shape (or event) in the signal and providing to a display the detected event (or shape).

Merrill teaches the functional equivalence for analyzing (via the speech recognition/synthesis engine 118) audio signal to detect an identified event or shape

(*e.g., a word or text*) in the signal and providing to a display the detected event or shape (*see paragraphs 52, 164, 167, 227, 229 and 234*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to consider modifying the audio/video system of Lopresti to include the analysis of events in the same conventional manner as taught by Merrill, in order to synchronized services, for example animations controlled via a script, to client programs. See Merrill's paragraph's 7.

Method claim 8 recites features substantially the same as device claim 1. It is, therefore, rejected under the same rationale.

Claim 10 is rejected for reason similar to claim 4.

The invention of claim 11 contains features that are analogous to the limitations recited in claim 5. As such, the limitations of the limitations of claim 3 are rejected under the same rationale as claim 5.

Claim 13 is a computer-executable process included on a computer-readable medium performing the method of claim 8 or 1, it is rejected for the same reason and rationale set forth for claim 8 or claim 1.

The invention of claim 14 recites features equivalent to and performing the same functions as claim 3; claim 14 is, therefore, subject to rejections for the same reasons and rationale set forth for claim 3.

Claim 15 contains features that are analogous to claim 4, it is therefore, similarly rejected.

Claim 16 is a computer-readable medium that performs the method of claim 5; it is, therefore, rejected under the same rationale as claim 5.

The invention of claim 21 contains features that are analogous to the limitations recited in claim 3. This being the case, the limitations of claim 21 are rejected under the same rationale as claim 3, wherein the decoding step serves as the function of processor 72b of fig. 5.

As per claim 22, it is noted that the features recited in the claim are analogous to the limitations recited in claim 1. Claim 22 is therefore, rejected under the same reason and rationale set forth for claim 1.

The invention of claim 24, including the processor (72b, fig. 5) and memory (86/88, fig. 5) is noted to contain limitations that are analogous to the limitations recited in claim 13, it is rejected under the same rationale as claim 13.

The invention of claim 26 contains features that are analogous to the limitations recited in claim 14 and, it is, therefore, rejected under the same reason and rationale as claim 14.

Apparatus claim 27 recites features that substantially perform the same method as device claim 24; it is, therefore, similarly rejected, for the detected event can be outputted as text (i.e., as teletext data).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 2, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lopresti in view of Nishikawa (US Pat. 6348932).

Re claims 2 and 9, Lopresti discloses most claimed features of the invention as

applied to claims 1 and 8 as set forth above, but he fails to teach a PIP device that

displays program containing a detected event.

Nishikawa teaches a PIP device (569, fig. 9) that displays program containing a

detected event (e.g., item 580). See col. 12, lines 15-21.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the features of Tovinkere to include the PIP

device as taught by Nishikawa, in order to provide a reduced frame size video of a

detected event or program, while a main program is displayed.

5.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lopresti

(US Pat. 5889506) in view of Merrill et al. (US 20020008703), as applied to claim 1, and

further in view of Haskell et al. (6654931).

Re claim 6, Lopresti and Merrill fail to teach most claimed features of the invention as applied to claim 1, but they fail to teach analyzing a MPEG-4 video information.

Haskell teaches the equivalence for analyzing a MPEG-4 video information. See fig. 9, and col. 7, lines 8-21, and col. 8, lines 49-64.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to consider modifying the system of Lopresti and Merrill to include the analyzing of MPEG-4 video information, so as to decomposed each frame of the video information into a plurality of different objects and a scene description graph that indicates where each object appears in that frame. See Haskell's col. 1, lines 50-55.

Allowable Subject Matter

6.   Claims 7, 12, 17-18, and 23 are allowed because the prior art of record fails to suggest a method and apparatus for detecting audio and video events from at least one program and using a speech recognition device, a text recognition device, and a shape detector device analyzing MPEG-4 video information in the form of DCT coefficient patterns, and a delay step to delay the program having detected text so that display of the program captures the text.
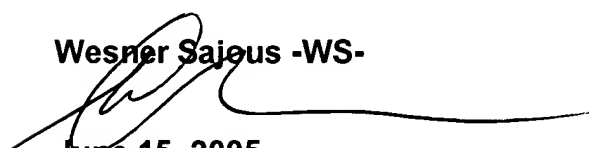
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajous Wesner whose telephone number is 571-272-7791. The examiner can normally be reached on Mondays thru Fridays between 11:00 AM and 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wesner Sajous -WS-

June 15, 2005